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# MICHIGAN FAMILY FORUM

*Sound Public Policy for Stronger Michigan Families*

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Testimony submitted for Senate Bills 545-549  
Senate Judiciary Committee  
October 25, 2011

Good morning Mr. Chairman and members of the committee. My name is Dan Jarvis. I am the research and policy director at Michigan Family Forum. We fully support the legislation before you and we encourage your support as well.

This package of bills is not new to this body. The origin of these bills can be traced back to the mid 90's when Representative Jesse Dalman introduced a single bill to significantly restrict no-fault divorce. That single bill has expanded to provide a much more comprehensive and realistic approach to strengthening marriage and reducing the impact of divorce on children.

In 2004, all of these bills passed the legislature with bi-partisan support. When they reached the Governor's desk, she said, "I did support and sign portions of this package of legislation, such as House Bills 5468, 5469, 5470, 5471, 5473 and 5474. While I supported these bills they will not go into effect and become law, because they were tie-barred to House Bill 5467, which I vetoed because it would penalize couples who had not taken marriage education courses by forcing a delay in issuing a marriage license." The current version of that bill, SB 546, allows a couple who participates in a marriage education program to bypass the three-day waiting period that current law requires for everyone applying for a marriage license but requires others to wait 28 days for a marriage license. In 2006, all of you provided support to all of these bills or at least some of them when you were in the House. We hope you are able to support them again this session.

Michigan is not alone in seeking answers to marriage and divorce. Many states have enacted legislation similar to what is being proposed here today. Some states have enacted "covenant marriages." Others have implemented extensive marriage education and enrichment courses designed to strengthen marriages. Oklahoma appropriated \$10,000,000 to launch a statewide marriage initiative to highlight the value of marriage. Michigan has also provided money to begin marriage initiatives in several counties. I'm sure the efforts to bolster marriage are as diverse as the 50 states.

Today, many Americans see marriage as a purely personal matter, one in which the government should not interfere. We do not share this limited view of marriage. A marriage is not just a private relationship, and married couples do not live in a sealed bubble, separate from the rest of society. Though marriage is intimate and personal, marriage also has an important public function.

The debate over the impact of divorce is largely over. The data overwhelmingly shows that children in these families suffer in many ways. They tend to have more difficulty in school and attain lower levels of education. Children of divorce tend to have poorer health, self-esteem and psychological well-being. They engage in higher levels of risky behaviors and criminal activity.

After divorce, children lose easy unplanned access to at least one parent, and can almost never be with both parents at the same time. When you're a child of divorce, you're always missing somebody.

Many of these same problems follow children of divorce into their adult years.

A child who sees the two people he loves the most separate, finds it harder to trust others and develop close personal bonds and is more likely to experience a divorce or cohabit as well.

However, children are not the only ones to suffer when a marriage breaks down. Adults who are divorced also engage in higher levels of risky behaviors, suffer from depression and experience financial hardships. In fact, the effects of divorce follow divorcing couples into their retirement years. Divorced couples tend to have poorer long-term care and less family support.

All of this comes at a tremendous cost to society through increased education expenses, healthcare costs, incarceration costs and public assistance.

In most cases, much of this could be avoided. It is estimated that 60 percent of marriages that end in divorce are those that evolve into a relationship that might be called "just not good enough". The marriage is not dysfunctional in that there is not excessive tension or violence of any kind.

The legislation before you will accomplish several legitimate public goals in the area of marriage. The legislation will help strengthen marriages by encouraging premarital education. It will help protect children from the harmful effects of divorce through the divorce education and parenting plan. And, it will encourage clergy to take a more active role in preserving marriages.

Really, the evidence is overwhelming. Marriage is good for all members involved and the benefits enjoyed by society at large are significant. It is not at all hard to make the argument that government has a tremendous interest in making marriages work.

The goal of parenting plans is to foster an atmosphere of cooperation. There has been a trend among the states to eliminate some of the "fighting" words, such as visitation or custody, from divorce vocabulary. No parent wants to be granted "visitation" of their child, much like they'd have visitation rights at a hospital or prison. Similarly, no parent wants to fight for custody, implying one is a better parent than the other. Michigan made changes in the Child Custody Act by changing the word "visitation" to the phrase "parenting-time." SB 547 continues that trend and even allows a plan to be established without using the word "custody" at all.

However, this legislation does more than just change the words used in a divorce process. It adds an alternative process to one that is currently in place. The current process is a court-directed one that requires parental participation. The parenting plan is a parent-directed process that may involve parties entirely outside of the legal system. The two processes complement each other. The one process encourages cooperation and responsible parenting, the other acts as a safety net and imposes a plan on uncooperative parents.

This legislation is similar to the Parenting Act introduced in the state of Washington in 1987, which is often regarded as a model for other states. In 1998, Washington undertook a ten year review of their Parenting Act. That study, released in 1999, made important findings which could help Michigan.

The study showed there was strong support for the goals of parenting plans. Specifically, both parents and professionals liked a process that encouraged cooperation, the involvement of both parents, flexibility for individual families and a focus on the best interests of the child. SB 547 will accomplish these goals.

However, parents needed more information about parenting plans and more help in developing them. Too many couples adopted a cookie cutter plan without taking advantage of the flexibility and creativity that the process allows. This bill was introduced as part of a package and one bill in particular, SB 545, will help Michigan avoid the lack of information that

Washington experienced. The divorce effects program is a perfect opportunity to incorporate information about the parenting plan. Under the proposed plan, a couple can participate in a divorce effects program and upon completion, write a parenting plan with the assistance of trained personnel. The "custody" issue, which is often the most contentious, only needs to be reviewed and approved by a judge.

Several bills address marriage education and enrichment programs. Scientific studies demonstrate that these programs can have positive effects on a couple for up to three years. It is remarkable that the most important license the state gives out requires the least preparation. Senate Bills 546 and 549 do not impose an undue burden on couples to participate in such programs. Rather, they provide appropriate incentives.

Polls consistently show that the public supports a measured legislative response to strengthening marriages. We encourage you to enact these reasonable, measured improvements to our marriage and divorce laws.

Thank you for this opportunity to share our views.

Respectfully Submitted,

Dan Jarvis  
Research and Policy Director

